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Arizona Corporation Commission DOCKETED

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### **ORIGINAL**

### BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION | DOCKET NO. RR-3639A-14-0157 OF THE TOWN OF GILBERT TO **UPGRADE EXISTING CROSSINGS OF** THE UNION PACIFIC RAILROAD COMPANY AT COOPER ROAD, AAR/DOT NO 741-816-D, AND AT GUADALUPE ROAD, AAR/DOT NO. 741-815-W, IN THE TOWN OF GILBERT, MARICOPA COUNTY, ARIZONA

**COMMISSIONERS** 

**GARY PIERCE** 

**BOB BURNS** 

**BRENDA BURNS** 

BOB STUMP - Chairman

SUSAN BITTER SMITH

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NOTICE OF FILING AFFIDAVIT OF **PUBLICATION** 

The Town of Gilbert ("Gilbert"), by and through undersigned counsel, hereby files its Notice of Affidavit of Publication as required by Procedural Order dated May 28, 2014. A copy of the Affidavit is attached hereto. Gilbert also confirms that it has provided a copy of the Application and the May 28, 2014 Procedural Order to surrounding adjacent property owners via certified mail. Also, copies of the U.S. Postal Service Certified Mail Receipts are attached hereto.

> DATED this 1/2day of July, 2014.

> > TOWN OF GILBERT ATTORNEY'S OFFICE L. MICHAEL HAMBLIN, Town Attorney

Jack A. Vincent

Assistant Town Attorney 50 East Civic Center Drive Gilbert, Arizona 85296 Attorneys for Town of Gilbert

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# TOWN OF GILBERT ATTORNEY'S OFFICE 50 East Civic Center Drive Gilbert Arizona 85296 (480) 503-6107

#### PROOF OF AND CERTIFICATE OF MAILING

| •  | AND STATE OF WINDSHIP   |
|----|---|
| 2  | I hereby certify that on this 22nd day of July, 2014, I caused the  |
| 3  | foregoing document to be served on the Arizona Corporation Commission by mailing  |
| 4  | the original and thirteen (13) copies of the above to:  |
| 5  | ARIZONA CORPORATION COMMISSION 1200 West Washington   |
| 6  |   |
| 7  |   |
| 8  | Copies of the foregoing mailed this 22nd, day of July, 2014 to:   |
| 9  |   |
| 10 | The Honorable Scott M. Hesla<br>Hearing Division  |
| 11 | ARIZONA CORPORATION COMMISSION 1200 W. Washington Street Phoenix, Arizona 85007   |
| 12 |   |
| 13 | Tom Condit Town of Gilbert 90 E. Civic Center Drive Gilbert, Arizona 85296  |
| 14 |   |
| 15 |   |
| 16 | W. Reed Campbell BEAUGUREAU, HANCOCK, STOLL & SCHWARTZ, P.C. 302 E. Coronado Road Phoenix, Arizona 85004 Attorneys for Union Pacific Railroad Company |
| 17 |   |
| 18 |   |
| 19 |   |
| 20 | Alex Popovici, Manager Industry & Public Projects UNION PACIFIC RAILROAD COMPANY 631 South 7 <sup>th</sup> Street Phoenix, Arizona 85034              |
| 21 |   |
| 22 |   |
| 23 |   |

| 1  | Janice Alward, Chief Counsel   |
|----|--|
| 2  | Legal Division ARIZONA CORPORATION COMMISSION 1200 W. Washington Street Phoenix, Arizona 85007  Robert E. Marvin, Division Director Safety Division  |
| 3  |  |
| 4  |  |
| 5  |  |
| 6  | ARIZONA CORPORATION COMMISSION 1200 W. Washington Street   |
| 7  | Phoenix, Arizona 85007   |
| 8  | Brian Lehman, Chief Railroad Safety Section of the Safety Division   |
| 9  | ARIZONA CORPORATION COMMISSION 1200 W. Washington Street Phoenix, Arizona 85007  COASH & COASH, INC. Court Reporting Video and Videoconferencing 1802 N. 7 <sup>th</sup> Street Phoenix, Arizona 85006 |
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| 15 | By: Marsha Spencer, Assistant to Jack Vincent  |
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IN THE MATTER OF THE AP-PLICATION OF THE TOWN OF GILBERT TO UPGRADE EXISTING CROSSINGS OF THE UNION PACIFIC RAIL-ROAD COMPANY AT COOP-ER ROAD, AAR/DOT NO, 741-815-9, AND AT GUADALUPE ROAD, AAR/DOT NO, 741-815-W, IN THE TOWN OF GILBERT, MARICOPA COUNTY, ARIZONA (DOCKET IN)

In May 12, 2014, the Town of Gilbert ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for Union Pacific Rail-

ing crossings located at the Railroad's tracks: at Coope Road in Gilbert, Arizona, a AAR/DOT NO, 741-816-79, and at Guadalupe Road in Gilbert, Arizona, a AAR/DOT NO, 741-816-30, and AAR/DOT NO, 741-815-30, and AAR/DOT NO, 741-815-30, and of the Inspection during regular business hours at the Commission's offices, 1200 West Washington Street Phoenix, Arizona, and of the Internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing on August 26, 2014, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street.

ments will be taken on the first day of the hearing. The law provides for a open public hearing a which, under appropriate circumstances, interested parties may intervene. In the control of the control

The name, address, and telephone number of the proposed intervener and of Any party upon whom service of documents is to be made of different than the

A short statement of the proposed intervener's intervener's intervener's intervener's intervener's in the proceeding (e.g. a customer of Rairroad a neighboring property owner, a crossing user, etc. A statement certifying that a copy of the motion to intervene has been malled to the Application of the cross of record in the tase.

The granting of motions to the proposed and to all parties of record in the tase.

by A.A.C. 81.43 to, except that all mothers that all the second to the second that all the second the second that all the second the second that all the second that all the second that all the

If you have senant about this application, you may contact file applicant Gregory Smith 28-25 (1997). Town to the senant with the senant senan

Commission at 1200 West Washington Street, Phoenix, Arizona 8507, call 602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment. The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contracting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail SaBernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

### THE ARIZONA REPUBLIC

STATE OF ARIZONA COUNTY OF MARICOPA SS.

Tabitha Weaver, being first duly sworn, upon oath deposes and says: That she is a Sr. legal advertising representative of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

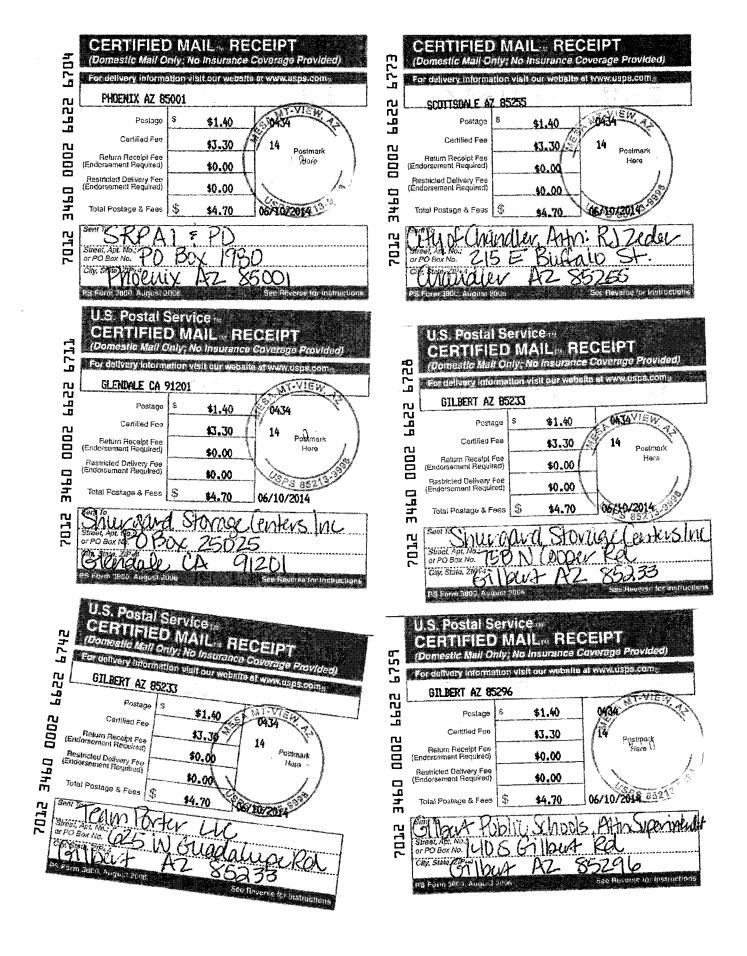
June 9, 2014

Sworn to before me this 9th day of July A.D. 2014

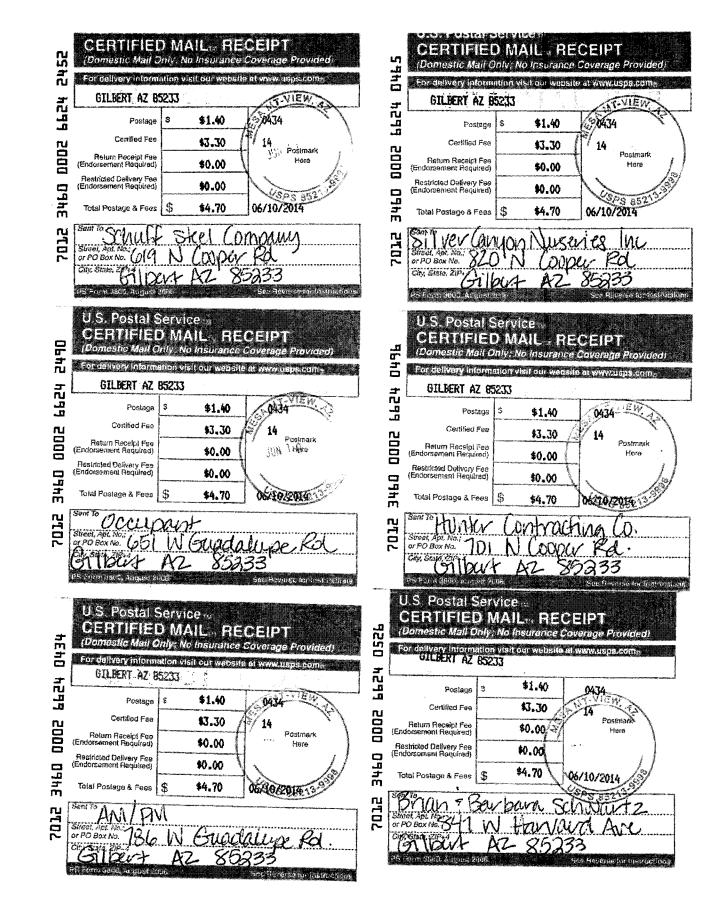
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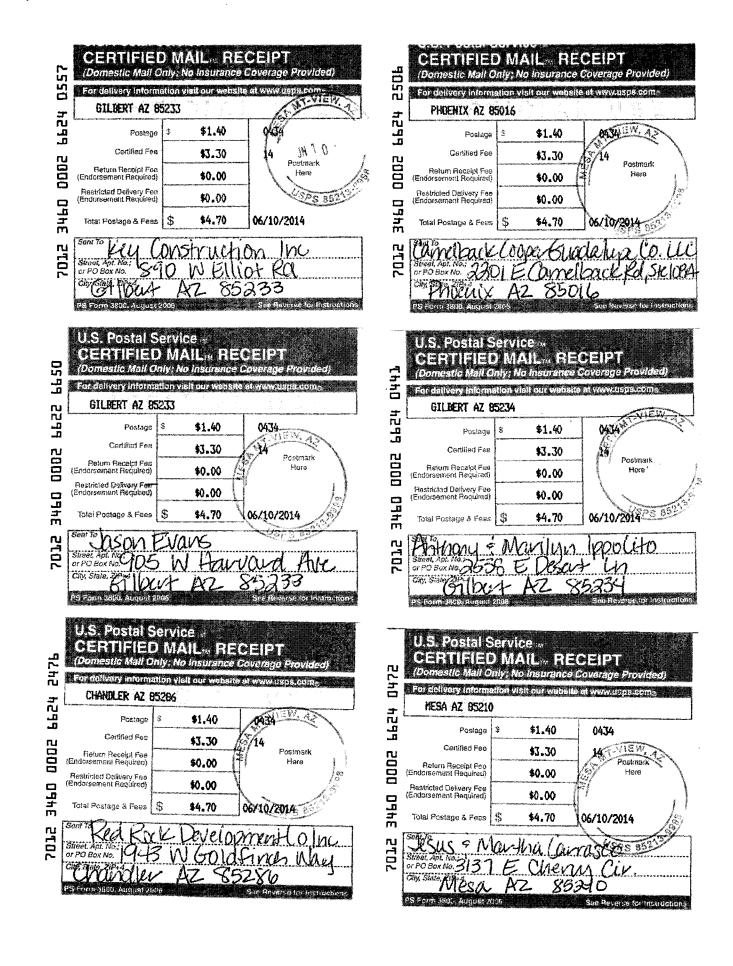
MANUEL VARGAS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
November 30, 2015

Notary Public



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(Domestic Mail Only; No Insurance Coverage Provided) tion visit our website at www.uspa.come GILBERT AZ 85233 Postage \$1.40 0434 \$3.30 14 Postmark Return Receipt Fee (Endorsement Required) Herg \$0.00 Restricted Delivery Fae (Endorsement Required) \$0.00 06/10/2014 Total Postage & Fees \$4,70 U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mall Only; No Insurance Coverage Provided) For dality of info PHOENIX AZ 85007 0434 \$1.40 Postage Cartified Fee \$3.30 Postmark Return Receipt Fee forsement Recuired Heta \$0.00 Restricted Delivery Fee (Endergement Required) \$0.00 06/10/2014 Total Postage & Fees \$4.70 Sente Schuff Stell Company Sircel, Apil No.: 1841 W Buchavan S 85007 U.S. Postal Service in **CERTIFIED MAIL** RECEIPT (Domestic Mall Only; No Insurance Coverage Provided) **HESA AZ 85201** E.7 Postage \$1,40 0434 Certified Fee \$3.30 14 Postmark Return Receipt Fee (Endorsement Required) \$0.00 Here Restricted Delivery Fee (Endorsement Required) \$0.00 Total Postage & Fees \$4.70 06/10/2014 Sireel, Api. No. AIIO

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Aexander Popovici
Manager Industry & Public Projects - UPRR

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